

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>CHARLES CHEATHAM, et al., MICHAEL MORGAN, et al., WESLEY JAMAL ARMSTRONG, BOBBY BARNARD BEASLEY, CLEOPHUS SYLVESTER SHEPARD, and JIHAD ZEIGLER,</p> <p style="text-align: center;">Defendants.</p>	<p>NO. CR18-131 RAJ CR18-132 RAJ CR18-144 RAJ CR18-145 RAJ CR18-147 RAJ CR18-161 RAJ</p> <p style="text-align: center;">NOTICE OF RELATED CASE</p>
<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>DANAVIAN HUNTER,</p> <p style="text-align: center;">Defendants.</p>	<p>RELATED TO</p> <p>NO. CR19-0037 JLR</p>

The United States of America submits this notice to advise the Court that the recently filed case, *United States v. Hunter*, CR19-0037, is related to the following cases: *United States v. Charles Cheatham et al.*, CR18-131 RAJ; *United States v. Michael Morgan et al.* CR18-

Notice of Related Case- 1

U.S. v. Cheatham, CR18-131 RAJ; *U.S. v. Morgan*, CR18-132 RAJ;
U.S. v. Armstrong, CR18-144 RAJ; *U.S. v. Beasley*, CR18-145 RAJ;
U.S. v. Shepard, CR18-147 RAJ; *U.S. v. Zeigler*, CR18-161 RAJ;
U.S. v. Hunter, CR19-037 JLR

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132 RAJ; *United States v. Wesley Jamal Armstrong*, CR18-144 RAJ; *United States v. Bobby Barnard Beasley*, CR18-145 RAJ; *United States v. Cleophus Sylvester Shepard*, CR18-147 RAJ, and *United States v. Jihad Zeigler*, CR18-161 RAJ. All of these cases, including the *Hunter* case, arise from the same wiretap investigation, but the charges in the *Hunter* case relate to a different conspiracy than the one charged in the *Morgan* and *Cheatham* cases. The charges against Mr. Hunter arise in part from evidence gathered pursuant to wiretap orders and a search warrant that might eventually be challenged in the related matters, and for that reason, the government believes that having the matters before the same judge would save judicial resources and avoid inconsistent rulings. But a trial in the *Hunter* matter likely would not involve much evidence introduced in any trials in the *Morgan*, *Cheatham*, and other related cases, and thus, the government submits that the *Hunter* case does not need to proceed on the same schedule as the previously charged cases.

I. BACKGROUND

A. Investigation

The cases named above arise from an investigation by the DEA, FBI, and Seattle Police Department. These federal and local agencies conducted hundreds of hours of surveillance and intercepted 13 cell phones while investigating a large conspiracy to distribute controlled substances, including heroin, cocaine, marijuana, and other controlled substances.

Early in the investigation, a confidential source identified Michael Morgan as a drug dealer who could supply multiple-kilograms of cocaine. Investigators then bought cocaine from Morgan on two separate occasions and used traditional investigative techniques to find additional evidence about Morgan's and his associates' drug trafficking. Ultimately, investigators received authorization to intercept telephones used by Morgan and his associates, including Hunter. Investigators intercepted communications between defendants named in all of the cases listed above. The intercepted calls included exchanges between Morgan and Cheatham and between defendants named in the different matters. Over the course of the investigation, law enforcement learned that Michael Morgan, Charles Cheatham, Michael

Davis, Railen Wheeler, and others are significant drug traffickers who work together to distribute drugs in the Seattle area. They also learned that Wesley Jamal Armstrong had a firearm at a drug deal with one of the co-conspirators, that Bobby Barnard Beasley was a redistributor for Morgan and Wheeler and possessed ammunition even though he was a convicted felon, that Shepard was a redistributor for Cheatham and had more than an ounce of cocaine at the place where he was arrested, and that Zeigler communicated with Cheatham and had more than a kilogram of heroin and a firearm at the residence where he was arrested.

Law enforcement also learned that Danavian Hunter conspired with others to distribute marijuana in Florida. Over his intercepted phone, he communicated with co-conspirators about transporting marijuana from Georgia to Florida, and he then flew from SeaTac, Washington, to Atlanta, Georgia, to further the conspiracy.

B. Procedural History

On May 30, 2018, the Grand Jury returned two indictments in the *Morgan* and *Cheatham* cases charging a total of 40 defendants with 60 counts, including Conspiracy to Distribute Controlled Substances in violation of 21 U.S.C. §§ 841(a)(1) and 846, Possession of Controlled Substances with Intent to Distribute in violation of 21 U.S.C. § 841(a)(1), and Carrying a Firearm During and in Relation to a Drug Trafficking Crime in violation of 18 U.S.C. § 924(c). The evidence showed that all of the defendants in both indictments were part of the same conspiracy, but for administrative reasons, the government presented two separate indictments.

On June 1, 2018, Magistrate Judge Brian Tsuchida authorized search warrants—based on a single application—for 46 locations and 65 vehicles associated with the drug trafficking conspiracy. The warrant also authorized law enforcement to search places associated with Armstrong, Beasley, Shepard, Zeigler, and Hunter even though they were not named co-defendants in the first two Indictments. Though these four individuals were not originally charged as co-conspirators with the other defendants, there was probable cause to believe they were involved in criminal activity.

On June 6, 2018, law enforcement executed the warrants and found multiple kilograms of controlled substances, numerous firearms, and large amounts of cash. At Hunter's residence, they found four firearms, a large amount of cash, and marijuana. That same day, investigators arrested 33 of the defendants indicted in the *Morgan* and *Cheatham* cases, as well as Armstrong, Beasley, and Shepard. Agents initially charged those three defendants by complaint, and on June 13, 2018, the Grand Jury returned Indictments against them.

On February 20, 2019, the Grand Jury returned an in Indictment in the *Hunter* case, and in response to a summons, Hunter appeared for his arraignment on February 28, 2019.

II. DISCUSSION

Local Criminal Rule 13(b) encourages counsel "to file a notice of related case in order to bring such cases to the Court's attention." Accordingly, the United States submits this notice to inform the Court that *United States v. Danavian Hunter*, CR19-037 JLR, is related to the previously charged and related cases: *United States v. Charles Cheatham et al.*, CR18-131 RAJ; *United States v. Michael Morgan et al.* CR18-132 RAJ; *United States v. Wesley Jamal Armstrong*, CR18-144 RAJ; *United States v. Cleophus Sylvester Shepard*, CR18-147 RAJ; *United States v. Bobby Barnard Beasley*, CR18-145 RAJ; and *United States v. Jihad Zeigler*, CR18-161 RAJ.

All of these cases are related because they arise from the same investigation. They rely on the same series of wiretap orders, and with the exception of Armstrong's case, they also rely on the same search warrant affidavit. The defendants in all of these cases will receive largely the same discovery materials, and as a result, the Court might be faced with the same litigation issues in the various cases.

Thus, the government submits that the cases should be considered by the same judge. If the cases proceed independently, there is a substantial risk that the parties will litigate the same issues in multiple proceedings and that those issues will be resolved in different and conflicting ways. To ensure consistent outcomes in light of all the relevant information, the government respectfully requests that the same judge adjudicate all of the cases listed above.

1 While the government believes that the same judge should hear all of the cases to avoid
2 inconsistent rulings, the government does not believe that *United States v. Danavian Hunter*,
3 CR19-037 JLR, needs to follow the same case and trial schedule as the other cases. A trial in
4 the *Hunter* matter would involve evidence that likely would not arise in trials in the other
5 cases, and trying the *Hunter* matter with the other cases likely would not result in a more
6 efficient presentation of evidence or use of judicial resources.

7 DATED this 4th day of March, 2019.

8 Respectfully submitted,

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Notice of Related Case- 5

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorney(s) of record for the defendant(s).

s/John M. Price
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Notice of Related Case- 6
U.S. v. Cheatham, CR18-131 RAJ; *U.S. v. Morgan*, CR18-132 RAJ;
U.S. v. Armstrong, CR18-144 RAJ; *U.S. v. Beasley*, CR18-145 RAJ;
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